REMARKS

Claims 1, 4, 5, 13, 16, 22, 23, 28, 32, 35, 36, 40, 43, 44, 46, 50, 51, 55, 60, 61, 65, 69, 70, 73, 76, 77, 91 and 97 were previously amended. Claims 3, 21, 34, 42, 49, 59, 68, and 75 have been cancelled. Claims 1, 2, 4-20, 22-33, 35-41, 43-48, 50-58, 60-67, 69-74, 76-97 remain in the application for consideration. In view of the following remarks, Applicant respectfully requests withdrawal of the rejections.

Before undertaking a discussion regarding the substance of the Office's rejections, the following discussion of the § 103 Standard is provided.

The § 103 Standard

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992); *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). The teaching or suggestion to make the claimed combination and the reasonable expectation of success *must* both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1439 (Fed. Cir. 1991).

Hence, when patentability turns on the question of obviousness, the search

for and analysis of the prior art includes evidence relevant to the finding of whether there is a teaching, motivation, or suggestion to select and combine the references relied on as evidence of obviousness. See, e.g., *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1351-52, 60 USPQ2d 1001, 1008 (Fed. Cir. 2001) ("the central question is whether there is reason to combine [the] references," a question of fact drawing on the Graham factors). The mere fact that references *can* be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or ***the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references***." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd.Pat. App. & Inter. 1985)(emphasis added).

Chapter 2100 of the MPEP provides further instruction as follows: "With regard to rejections under 35 U.S.C. 103, the examiner must provide evidence which as a whole shows that the legal determination sought to be proved (i.e., the reference teachings establish a *prima facie* case of obviousness) is more probable than not." *See* MPEP 2142.

"The factual inquiry whether to combine references must be thorough and searching." *Id.* It must be based on objective evidence of record. This precedent has been reinforced in myriad decisions, and cannot be dispensed with. See, e.g., *Brown & Williamson Tobacco Corp. v. Philip Morris Inc.*, 229 F.3d 1120, 1124-25, 56 USPQ2d 1456, 1459 (Fed. Cir. 2000) ("a showing of a suggestion,

teaching, or motivation to combine the prior art references is an 'essential component of an obviousness holding'") (quoting *C.R. Bard, Inc., v. M3 Systems, Inc.*, 157 F.3d 1340, 1352, 48 USPQ2d 1225, 1232 (Fed. Cir. 1998)); *In re Dembiczak*, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999) ("Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references."); *In re Dance*, 160 F.3d 1339, 1343, 48 USPQ2d 1635, 1637 (Fed. Cir. 1998) (there must be some motivation, suggestion, or teaching of the desirability of making the specific combination that was made by the applicant); *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988) ("'teachings of references can be combined only if there is some suggestion or incentive to do so.'") (emphasis in original) (quoting *ACS Hosp. Sys., Inc. v. Montefiore Hosp.*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984)); *In re Fritch,* 23 USPQ2d 1780, 1784 (Fed. Cir. 1992) ("It is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious. [O]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.") (quoting *In Re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988)).

The need for specificity pervades this authority. See, e.g., *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000) ("*particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed*").

In view of the guidance provided above, Applicant disagrees with the Office's obviousness rejections and respectfully submits that the Office has not made out a *prima facie* case of obviousness. Accordingly, Applicant respectfully requests withdrawal of these rejections.

§ 103 Rejections

Claims 1, 2, 4-20, 22-33, 35-41, 43-48, 50-58, 60-67, 69-74, and 76-97 stand rejected under U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,125,446 to Olarig et al. (hereafter "Olarig") in view of U.S. Patent No. 5,953,722 to Lampert et al. (hereinafter "Lampert").

The Claims

Claim 1 recites a computing device comprising:

- one or more processors;
- memory operably associated with the one or more processors;
- one or more applications loadable in the memory and executable on the one or more processors; and
- the one or more processors being configured to:
    - receive context information from externally of the device, the context information pertaining to one or more current device contexts;
    - automatically determine one or more current contexts from the context information using one or more hierarchical traversable tree structures, wherein the tree structures comprise individual nodes individual ones of which being associated with a context, wherein said one or more current contexts are determined by traversing at least one node on at least one of the tree structures, wherein individual nodes comprise an entity identification (EID) that is unique to the node, EIDs serving as a basis by which attributes can be assigned to goods or services associated with an individual node;

- locally evaluate a collection of policies in connection with the one or more current contexts to provide a resultant set of policies; and
- enforce the resultant set of policies on the one or more applications.

In making out the rejection of this claim, the Office asserts that its subject matter would have been obvious in view of the teachings of Olarig and Lampert. The Office argues that one of ordinary skill in the art would have been motivated to consider the use of tree structures and entity IDs in the invention of Olarig as they provided *efficient and quick* operation of navigation systems. The Office argues that an ordinary artisan also would have been motivated to consider incorporating such features as Lampert disclosed them to be *advantageous in systems with limited memory resources*." (See Office Action page 5) (emphasis added).

Applicant respectfully disagrees and submits that the Office has not established a *prima facie* case of obviousness. Specifically, the Office has failed to present a convincing line of reasoning (as required by 35 U.S.C. § 132 (see also MPEP 706.02(j))), that is stated with particularity and which explains ***why*** it would have been obvious to incorporate the teachings of Lampert into Olarig. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references. See, e.g. *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

The Office's attempt at a convincing line of reasoning is to state simply that

the combination would be motivated in order to provide *efficient and quick* operation of navigation systems" and that the combination would be "*advantageous in systems with limited memory resources*". As noted above, *particular* findings must be made as to the *reason* the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed. *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000).

Here, the Office's stated motivation pertains simply to improving efficiency. This motivation could, however, be used to justify almost any modification of Olarig and fails to explain ***why*** the proposed combination with Lampert would have been obvious. Thus, the Office has not made particular findings as to the reason the claimed subject matter would be obvious in view of the cited references.

Additionally, and as an aside, the Office has provided a paper, available at the following link:

http://www.uspto.gov/web/menu/busmethp/busmeth103rej.htm

that describes proper and improper rejections made under §103(a). Particularly instructive is an example that appears in Section V of the paper illustrating an improper §103(a) rejection which is based upon hindsight in view of a general motivation statement. This example is reproduced below in its entirety for the Office's convenience:

V. Examples of Improper Rejection under 35 U.S.C. 103

Example 17: Improper rejection based upon hindsight - general motivation statement.

a. The claimed invention

The invention is drawn to a smart card containing a tracking mechanism, which tracks shopping preferences of consumers by recording the type, quantity, and dates of purchase for a pre-selected group of products. The smart card is useful in a system and method for introducing new and alternative products that are of the same type as products normally purchased by the shopper. The smart card records the shopper's purchases and submits an automatic notification to the shopper when a quantity threshold is achieved for the pre-selected products. This notification will encourage the consumer to consider alternative products by providing the consumer incentives, such as a pricing discount, to purchase an alternative product.

Claim 1:

A method for using a smart card in a marketing analysis program designed to introduce new products, the method comprising the steps of:

storing product information on the smart card when said products are purchased by a consumer wherein said information including type, quantity and dates of the product purchased;

identifying for each product a threshold for each of said type, quantity and dates of products purchased;

determining an incentive for an alternative product based on said threshold; and

automatically notifying said consumer when said threshold is reached for a given product identified on the smart card and providing the consumer with said incentive, whereby the incentive encourages the consumer to consider alternative products.

b. Evidence

Reference A discloses smart card that tracks consumer preferences by recording the type, quantity, and dates of purchase of pre-selected products to determine trends in consumer purchases. The smart card is periodically read by a scanner to determine its contents for market analysis. In return for using the smart card and participating in the marketing program, the user is provided with free product coupons for products that are normally purchased by the shopper.

Reference B discloses a traditional consumer incentive program that provides coupons for the purchase of named products based upon the consumer's

purchase of those same products to promote customer loyalty.

c. Poor statement of the rejection

Claim 1 is rejected under 35 U.S.C. 103 as being unpatentable over Reference A in view of Reference B. Reference A discloses the conventional use of a smart card to track consumer preferences and provide incentives. However, Reference A does not disclose the automatic notification to consumer providing incentives. Reference B discloses providing incentives to consumers to purchase the desired products. It would have been obvious to combine Reference A's smart card with Reference B's incentive to consumers because the combination would allow Reference A's smart card to be more ***efficient.***

d. Analysis

The motivation, ***improve efficiency,*** is too general because it could cover almost any alteration contemplated of Reference A and does not address ***why this specific proposed modification would have been obvious.*** Additionally, there is nothing in either of references that would suggest automatically notifying the consumer when reaching a threshold nor is there anything in either reference that would suggest the notifying step. Finally, although Reference B teaches a traditional coupon scheme to promote customer loyalty, there is no suggestion, other than applicant's disclosure, to employ this scheme to promote the introduction of new and alternative products. **The rejection is improper.**

In the present rejection, the Office's stated motivations are similar to the Office's own example of an improper rejection. In the Office's own words: "[t]he motivation, improve efficiency, is too general because it could cover almost any alteration contemplated ... and does not address ***why*** this specific proposed modification would have been obvious." Therefore, the office's rejection is improper.

In view of the above discussion, the Office's rejection is misplaced and does not establish a *prima facie* case of obviousness. Hence, for at least these reasons, this claim is allowable.

Claims 2 and 4-12 depend from claim 1 and are allowable as depending from an allowable base claim. These claims are also allowable for their own

recited features which, in combination with those recited in claim 1, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Claim 13 recites a computing device comprising:

- one or more processors;
- memory operably associated with the one or more processors;
- one or more applications loadable in the memory and executable on the one or more processors; and
- the one or more processors being configured to:
  - receive context information from externally of the device, the context information pertaining to a current device context and determine a current context using one or more hierarchical traversable tree structures on the device, wherein the tree structures comprise individual nodes each of which being associated with a device context, wherein said current context is determined by traversing at least one node on at least one of the tree structures, and wherein individual nodes comprise an entity identification (EID) that is unique to the node, EIDs serving as a basis by which attributes can be assigned to goods or services associated with an individual node; and
  - enforce a set of policies on the one or more applications, the set of policies pertaining to a current context that is associated with the context information.

In making out the rejection of this claim, the Office relies on the same argument that it made in regard to claim 1. Applicant respectfully disagrees with the Office and maintains that the Office has not established a *prima facie* case of obviousness. Hence, for at least these reasons, this claim is allowable.

Claims 14 and 15 depend from claim 13 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 13, are neither disclosed nor suggested in the references of record, either singly or in combination

with one another.

Claim 16 recites a method of operating a computing device comprising:

- receiving context information from externally of a computing device, the context information pertaining to a current device context;
- automatically determining, with the computing device, a current context using the context information,
- wherein said act of automatically determining comprises:
  - providing one or more hierarchical traversable tree structures on the device, the tree structures comprising individual nodes each of which being associated with a device context, wherein individual nodes comprise an entity identification (EID) that is unique to the node, EIDs serving as a basis by which attributes can be assigned to goods or services associated with an individual node; and
  - traversing at least one node on at least one of the tree structures to provide the current context;
- evaluating a collection of policies in connection with the current context to provide a resultant set of policies; and
- enforcing the resultant set of policies on one or more applications that are executable by the computing device.

In making out the rejection of this claim, the Office relies on the same argument that it made in regard to claim 1. Applicant respectfully disagrees with the Office and maintains that the Office has not established a *prima facie* case of obviousness. Hence, for at least these reasons, this claim is allowable.

Claims 17-20 and 22-27 depend from claim 16 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 16, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Claim 28 recites a method of operating a computing device comprising:

- receiving context information from externally of a computing device, the context information pertaining to a current device context;
- automatically determining, with the computing device, a current context using the context information;
- wherein said act of automatically determining comprises:
    - providing one or more hierarchical traversable tree structures on the device, the tree structures comprising individual nodes each of which being associated with a device context, wherein individual nodes comprise an entity identification (EID) that is unique to the node, EIDs serving as a basis by which attributes can be assigned to goods or services associated with an individual node; and
    - traversing at least one node on at least one of the tree structures to provide the current context; and
- enforcing a set of policies, which are the result of a collection of policies in connection with the current device context, on one or more applications that are executable by the computing device, the resultant set of policies pertaining to a context that is associated with the context information that is received.

In making out the rejection of this claim, the Office relies on the same argument that it made in regard to claim 1. Applicant respectfully disagrees with the Office and maintains that the Office has not established a *prima facie* case of obviousness. Hence, for at least these reasons, this claim is allowable.

Claims 29-31 depend from claim 28 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 28, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Claim 32 recites a computing device comprising:

- one or more processors;
- memory operably associated with the one or more processors;
- one or more applications loadable in the memory and executable on the one or more processors; and
- the one or more processors being configured to:
    - receive context information from externally of the device, the context information pertaining to a current device context;
    - automatically determine a current context from the context information using one or more hierarchical traversable tree structures on the device, the tree structures comprising individual nodes each of which being associated with a device context, the device being configured to determine its current context by traversing at least one node on at least one of the tree structures, wherein individual nodes comprise an entity identification (EID) that is unique to the node, EIDs serving as a basis by which attributes can be assigned to goods or services associated with an individual node;
    - locally evaluate a collection of policies in connection with the current context to provide a resultant set of policies;
    - enforce the resultant set of policies on the one or more applications;
    - responsive to receiving context information that indicates a change of current context:
        - locally re-evaluate the collection of policies to provide a new resultant set of policies; and
        - enforce the new resultant set of policies on the one or more applications.

In making out the rejection of this claim, the Office relies on the same argument that it made in regard to claim 1. Applicant respectfully disagrees with the Office and maintains that the Office has not established a *prima facie* case of obviousness. Hence, for at least these reasons, this claim is allowable.

Claims 33 and 35-39 depend from claim 32 and are allowable as depending from an allowable base claim. These claims are also allowable for their

own recited features which, in combination with those recited in claim 32 are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Claim 40 recites a method of operating a computing device comprising:

- wirelessly receiving context information from externally of a computing device, the context information pertaining to a current device context;
- automatically determining, with the computing device, a current context using the context information;
- wherein said act of automatically determining comprises:
  - providing one or more hierarchical traversable tree structures on the device, the tree structures comprising individual nodes each of which being associated with a device context, wherein individual nodes comprise an entity identification (EID) that is unique to the node, EIDs serving as a basis by which attributes can be assigned to goods or services associated with an individual node; and
  - traversing at least one node on at least one of the tree structures to provide the current context;
- locally evaluating, with the computing device, a collection of policies in connection with the current context to provide a resultant set of policies;
- enforcing the resultant set of policies on one or more applications that are executable by the computing device;
- determining whether the device's current context has changed and if so, automatically determining a new current context using received context information;
- responsive to determining the new current context, locally re-evaluating, with the computing device, the collection of policies to provide a new resultant set of policies for the new current context; and
- enforcing the new resultant set of policies on the one or more applications.

In making out the rejection of this claim, the Office relies on the same argument that it made in regard to claim 1. Applicant respectfully disagrees with

the Office and maintains that the Office has not established a *prima facie* case of obviousness. Hence, for at least these reasons, this claim is allowable.

Claims 41 and 43-45 depend from claim 40 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 40 are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Claim 46 recites a computing device comprising::

- one or more processors;
- memory operably associated with the one or more processors;
- one or more applications loadable in the memory and executable on the one or more processors; and
- the one or more processors being configured to:
    - receive location information pertaining to a current device location;
    - automatically determine a current location from the location information using one or more hierarchical traversable tree structures on the device, the tree structures comprising individual nodes each of which being associated with a device location, the device being configured to determine its current location by traversing at least one node on at least one of the tree structures, wherein individual nodes comprise an entity identification (EID) that is unique to the node, EIDs serving as a basis by which attributes can be assigned to goods or services associated with an individual node;
    - locally evaluate a collection of policies in connection with the current location to provide a resultant set of policies; and
    - enforce the resultant set of policies on the one or more applications.

In making out the rejection of this claim, the Office relies on the same argument that it made in regard to claim 1. Applicant respectfully disagrees with

the Office and maintains that the Office has not established a *prima facie* case of obviousness. Hence, for at least these reasons, this claim is allowable.

Claims 47, 48 and 50-54 depend from claim 46 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 46 are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Claim 55 recites a method of operating a computing device comprising:

- receiving location information pertaining to a current device location;
- automatically determining, with the computing device, a current location using the location information;
- wherein said act of automatically determining comprises:
    - providing one or more hierarchical traversable tree structures on the device, the tree structures comprising individual nodes each of which being associated with a device location, wherein individual nodes comprise an entity identification (EID) that is unique to the node, EIDs serving as a basis by which attributes can be assigned to goods or services associated with an individual node; and
    - traversing at least one node on at least one of the tree structures to provide the current location;
- locally evaluating, with the computing device, a collection of policies in connection with the current location to provide a resultant set of policies; and
- enforcing the resultant set of policies on one or more applications that are executable by the computing device.

In making out the rejection of this claim, the Office relies on the same argument that it made in regard to claim 1. Applicant respectfully disagrees with the Office and maintains that the Office has not established a *prima facie* case of obviousness. Hence, for at least these reasons, this claim is allowable.

Claims 56-58 and 60-64 depend from claim 55 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 55 are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Claim 65 recites a computing device comprising:

- one or more processors;
- memory operably associated with the one or more processors;
- one or more applications loadable in the memory and executable on the one or more processors; and
- the one or more processors being configured to:
    - receive location information pertaining to a current device location;
    - automatically determine a current location from the location information using one or more hierarchical traversable tree structures on the device, the tree structures comprising individual nodes each of which being associated with a device location, the device being configured to determine its current location by traversing at least one node on at least one of the tree structures, wherein individual nodes comprise an entity identification (EID) that is unique to the node, EIDs serving as a basis by which attributes can be assigned to goods or services associated with an individual node;
    - locally evaluate a collection of policies in connection with the current location to provide a resultant set of policies;
    - enforce the resultant set of policies on the one or more applications; and
    - responsive to receiving location information that indicates a change of current location:
        - locally re-evaluate the collection of policies to provide a new resultant set of policies; and
        - enforce the new resultant set of policies on the one or more applications.

In making out the rejection of this claim, the Office relies on the same

argument that it made in regard to claim 1. Applicant respectfully disagrees with the Office and maintains that the Office has not established a *prima facie* case of obviousness. Hence, for at least these reasons, this claim is allowable.

Claims 66, 67 and 69-72 depend from claim 65 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 65 are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Claim 73 recites a method of operating a computing device comprising:

- wirelessly receiving location information from externally of a computing device, the location information pertaining to a current device location;
- automatically determining, with the computing device, a current location using the location information;
- wherein said act of automatically determining comprises:
    - providing one or more hierarchical traversable tree structures on the device, the tree structures comprising individual nodes each of which being associated with a device location, wherein individual nodes comprise an entity identification (EID) that is unique to the node, EIDs serving as a basis by which attributes can be assigned to goods or services associated with an individual node; and
    - traversing at least one node on at least one of the tree structures to provide the current location;
- locally evaluating, with the computing device, a collection of policies in connection with the current location to provide a resultant set of policies;
- enforcing the resultant set of policies on one or more applications that are executable by the computing device;
- determining whether the device's current location has changed and if so, automatically determining a new current location using received location information;
- responsive to determining the new current location, locally re-evaluating, with the computing device, the collection of policies to provide a new resultant set of policies for the new current location;

and

- enforcing the new resultant set of policies on the one or more applications.

In making out the rejection of this claim, the Office relies on the same argument that it made in regard to claim 1. Applicant respectfully disagrees with the Office and maintains that the Office has not established a *prima facie* case of obviousness. Hence, for at least these reasons, this claim is allowable.

Claims 74 and 76-78 depend from claim 73 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 73 are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Claim 79 recites a computing device comprising:

- one or more processors;
- memory operably associated with the one or more processors;
- one or more applications loadable in the memory and executable on the one or more processors; and
- the one or more processors being configured to:
  - ***collect policies from multiple different policy sources to provide a collection of policies, the policies being expressed in terms of context dependencies associated with multiple different device contexts;***
  - receive context information from externally of the device, the context information pertaining to a current device context;
  - automatically determine a current context from the context information;
  - locally evaluate the collection of policies in connection with the current context to provide a resultant set of policies; and
  - enforce the resultant set of policies on the one or more applications.

In making out the rejection of this claim, the Office relies on the same argument that it made in regard to claim 1. Applicant respectfully disagrees with the Office and maintains that the Office has not established a *prima facie* case of obviousness. Hence, for at least these reasons, this claim is allowable.

In addition, with respect to the specifically-recited subject matter, the Office argues "[t]he ability to receive different policies from different sources then was inherent in the invention of Olarig, as it would have been a necessary limitation in order to accommodate the wide range of country-specific policies/laws for enforcement."

Applicant respectfully disagrees and submits that the Office's reasoning is misplaced because a "wide range of country-specific policies/laws" could be "accommodated" by a myriad of solutions other than ***collecting policies from multiple different policy sources,*** as claimed. For example, a single database may embody the country-specific policies/laws.

Accordingly, Applicant respectfully submits that Olarig does not expressly or *inherently* disclose ***collecting policies from multiple different policy sources to provide a collection of policies,*** as claimed. Hence, for all of these reasons, this claim is allowable.

Claims 80 and **81** depend from claim 79 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 79 are neither disclosed nor suggested in the references of record, either singly or in combination with one another

Claim 82 recites a method of operating a computing device comprising:

- collecting policies from multiple different policy sources to provide a collection of policies, the policies being expressed in terms of context dependencies associated with multiple different device contexts;
- receiving context information from externally of a computing device, the context information pertaining to a current device context;
- automatically determining a current context from the context information;
- locally evaluating the collection of policies in connection with the current context to provide a resultant set of policies; and
- enforcing the resultant set of policies on the device.

In making out the rejection of this claim, the Office relies on the same argument that it made in regards to claim 1. Applicant respectfully disagrees with the Office and maintains its arguments as set forth above in regards to claim 79.

In view of the above discussion, the Office has made an improper rejection and has not established a *prima facie* case of obviousness. Hence, for at least these reasons, this claim is allowable.

Claims 83-87 depend from claim 82 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 82, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Claim 88 recites a method of providing policies for enforcement on computing devices comprising:

- providing a representation of location using ***multiple*** hierarchical tree structures each of which comprising multiple nodes, ***each node representing a location that can be either a physical location or a logical location***, the tree structures comprising at least one link between them that can serve as a basis for a traversal operation that

traverses the multiple tree structures to derive a computing device location; and

- expressing multiple policies as a function of the representation of location.

In making out the rejection of this claim, the Office relies on the same argument that it made in regards to claim 1. Applicant is confused as to how that argument is applicable to this claim. For instance, claim 1 does not recite ***"using multiple hierarchical tree structures each of which comprising multiple nodes, each node representing a location that can be either a physical location or a logical location,"*** as recited in this claim. Furthermore, the Office does not even suggest that this element is disclosed or suggested by either Olarig or Lampert. Therefore, for at least this reason, the Office has failed to establish a *prima facie* case of obviousness.

Furthermore, Applicant respectfully submits that the Office has not explained the pertinence of the cited portions or fully and clearly stated the grounds for its rejection of this claim, as required. Applicant requests that the Office fully and clearly state the grounds for this §103(a) rejection and explain how the cited references are pertinent and appropriate to this claim.

Finally, as discussed above, the Office has not made particular findings as to the reason the claimed subject matter would be obvious in view of the cited references.

In view of the above discussion, the Office has made an improper rejection and has not established a *prima facie* case of obviousness. Hence, for at least these reasons, this claim is allowable.

Claim 89 depends from claim 88 and is allowable as depending from an

allowable base claim. This claim is also allowable for its own recited features which, in combination with those recited in claim 88 are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Claim 90 recites a method of providing policies for enforcement on computing devices comprising:

- expressing multiple policies as a function of an abstract representation of location that uses ***multiple*** hierarchical tree structures each of which comprising multiple nodes, ***each node representing a location that can be either a physical location or a logical location,*** the tree structures comprising at least one link between them that can serve as a basis for a traversal operation that traverses the multiple tree structures to derive a computing device location; and
- making the multiple policies available to computing devices.

In making out the rejection of this claim, the Office relies on the same argument that it made in regards to claim 1. Applicant respectfully disagrees with the Office and maintains its arguments as set forth above in regards to claims 88.

In view of the above discussion, the Office has made an improper rejection and has not established a *prima facie* case of obviousness. Hence, for at least these reasons, this claim is allowable.

Claim 91 recites a computer architecture comprising:

- a context service that provides context information or context change events that pertain to the context of a computing device;
- wherein said context service determines context using one or more hierarchical traversable tree structures, the tree structures comprising individual nodes each of which being associated with a device context, the context service being configured to determine context

by traversing at least one node on at least one of the tree structures, wherein individual nodes comprise an entity identification (EID) that is unique to the node, EIDs serving as a basis by which attributes can be assigned to goods or services associated with an individual node; and

- a policy engine communicatively linked with the context service and configured to:
  - receive context information or context change events from the context service;
  - evaluate a collection of policies to provide a resultant set of policies responsive to the context information or context change events; and
  - enforce the resultant set of policies on a computing device.

In making out the rejection of this claim, the Office relies on the same argument that it made in regards to claim 1. Applicant respectfully disagrees with the Office and maintains its arguments as set forth above in regards to claim 1.

In view of the above discussion, the Office has made an improper rejection and has not established a *prima facie* case of obviousness. Hence, for at least these reasons, this claim is allowable.

Claims 92-96 depend from claim 91 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 91, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Claim 97 recites a computer system:

- a context service that provides context information or context change events that pertain to the context of a computing device;
- wherein said context service determines context using one or more hierarchical traversable tree structures, the tree structures comprising individual nodes each of which being associated with a device context, the context service being configured to determine context

by traversing at least one node on at least one of the tree structures, wherein individual nodes comprise an entity identification (EID) that is unique to the node, EIDs serving as a basis by which attributes can be assigned to goods or services associated with an individual node; and

- a policy engine communicatively linked with the context service, but remote from the computing device, and configured to:
    - receive context information or context change events from the context service;
    - evaluate a collection of policies to provide a resultant set of policies responsive to the context information or context change events; and
    - provide the resultant set of policies to the computing device.

In making out the rejection of this claim, the Office relies on the same argument that it made in regards to claim 1. Applicant respectfully disagrees with the Office and maintains its arguments as set forth above in regards to claim 1.

In view of the above discussion, the Office has made an improper rejection and has not established a *prima facie* case of obviousness. Hence, for at least these reasons, this claim is allowable.

Conclusion

All of the claims are in condition for allowance. Applicant respectfully requests a Notice of Allowability be issued forthwith. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant respectfully requests a telephone call for the purpose of scheduling an interview.

Respectfully Submitted,

Dated: 4/13/05

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